AMERICAN SOCIETY OF NEWSPAPER EDITORS

Address: 11690B Sunrise Valley Drive, Reston, VA 20191-1409 • Phone: 703/453-1122
Fax: 703/453-1133 • E-Mail: asne@asne.org • Web: http://www.asne.org

May 23, 2006

VIA HAND DELIVERY

The Honorable Peter Hoekstra
Chairman
Permanent Select Committee on Intelligence
H-405, The Capitol
Washington, DC 20515

The Honorable Jane Harman
Ranking Member
Chairman
Permanent Select Committee on Intelligence
H-405, The Capitol
Washington, DC 20515

Re: Statement of the American Society of Newspaper Editors

Dear Chairman Hoekstra and Ranking Member Harman

The American Society of Newspaper Editors ("ASNE") files this written statement and accompanying materials relating to the Committee's review of unauthorized disclosures of classified information, and the May 26 public hearing on the media. We request that this submission and accompanying materials be included the official record of the May 26 hearing.

ASNE is a professional organization of approximately 750 persons who hold positions as directing editors of daily newspapers in the United States and Canada. The purposes of the Society include assisting journalists and providing unfettered and effective press in the service of the American people.

We thank you for having this public hearing on the issue of unauthorized disclosures of information to the media. Discussion of this issue in an open forum signifies your commitment to the public's right to know. Only when that right is fully realized can our democracy effectively flourish. It is for this reason that we submit this statement and accompanying

materials in the hope that your Committee will refrain from legislating on this topic, an action that will surely impede the necessary flow of information about the activities of government to the press and the public.

ASNE opposes any legislation that would result in criminal penalties for any non-governmental individual, including a reporter or other representative of the media, who receives classified or other national security information from a government employee. We also oppose legislation that would increase the breadth and/or depth of penalties imposed upon government employees for "leaking" such information.

Newspapers have long recognized the inherent tension regarding unauthorized disclosures of information from anonymous sources. Leaks can be dangerous to national security. However, it is just as certain that they can serve the public interest in many ways including making our nation more secure. This is the reason that the practice of disclosing information to the press and public will never entirely cease.

Nor will the press cease to rely on anonymous whistleblowers as sources for information. But here is a dirty little secret: the press relies on anonymous sources for information not because it wants to, but because it has to. A newspaper's main asset is its credibility in the eyes of its readers. Readers instantly question that credibility when sources for key information are not identified. But some stories are just too important to withhold. If a source with valuable information is proven to be trustworthy, but will only speak on condition that his or her identity remain secret, it is ultimately the editor who will have to decide whether the public's right to know is furthered by running the story. There are few, if any, decisions that are harder for a newspaper editor to make.

As sure as the post-September 11 world has changed the job of those charged with safeguarding national security information, so too has it changed the job of those charged with reporting on that information. Decisions regarding the utilization of anonymous sources, what information should be included in a story – even whether a story should run at all for fear of compromising national security interests – require different considerations than they did 5 years ago. The nation's newspaper editors struggle to adapt to this changing environment. A thorough self-examination of editorial and reporting processes has begun and continues.

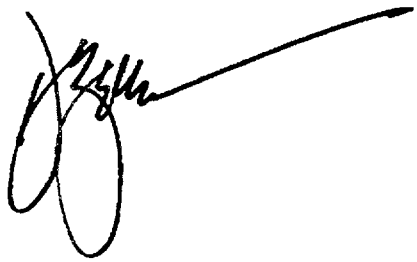
As part of this self-examination, the American Society of Newspaper Editors joined with the McCormick Tribune Foundation to convene 40 editors, reporters, lawyers, educators and members of the public at a conference outside Chicago in November 2005. Entitled "Newsroom Ethics and Standards," the three day conference examined several issues related to the use of anonymous sources, ranging from existing and proposed newsroom standards regarding the use of anonymous sources and the information they provide, to the training of the next generation of America's journalists, to the pros and cons of a federal shield law to assist reporters in protecting the anonymity of a source. The resulting 93 page report entitled "Anonymous Sources: Pathways and Pitfalls" is a testament to the serious soul-searching that is presently occurring within the newspaper industry on the topic of leaks. Portions of that report are attached as part of this submission. These analyses, published articles and interviews with editors reflect the efforts of newspaper editors to report information accurately, fairly and without damaging national security interests. The entire published report will be made available to any Member of Congress upon request.

Ultimately, the lesson to be learned from the "Newsroom Ethics and Standards" conference and the "Anonymous Sources: Pathways and Pitfalls" report is that newspaper editors

share many of your concerns regarding the unauthorized disclosure of information and want to make sure that traditional sources and methods of newsgathering are used as often as possible. Newsroom standards, guidelines and training practices are being rewritten to achieve this goal. We ask that Congress refrain from any legislative solutions that might raise serious First Amendment questions until it is certain that the problem is not being adequately handled from within the media.

We thank you for holding this hearing and thank you for your consideration of our views.

Sincerely,



David A. Zeeck
President

CONTENTS

Chapters

Case studies

Guidelines on sourcing

This I believe

Cover photo by Vincent Oliver
Event photos by Callie Lipkin
Design by Clara Fletcher

ANONYMOUS SOURCES: Participants

Andrew N. Alexander
Cox Newspapers
Washington Bureau Chief

Bruce Allardice
Citizen

David Axelrod
Axelrod Kupper Plouffe
Partner

Charles L. Babcock
Jackson Walker
Senior Partner

Roberta Baskin
The Center For Public Integrity
Executive Director

Clark Bell
McCormick Tribune Foundation
Director, Journalism Program

J. Scott Bosley
ASNE
Executive Director

Mark Bowden
The Gazette
Cedar Rapids, Iowa
Editor

Rebecca Carr
Cox Newspapers
National Correspondent

Douglas C. Clifton
The Plain Dealer
Cleveland
Editor

Barbara Cochran
Radio-Television News
Directors Association
President

Don Cooke
McCormick Tribune
Foundation
Senior Vice President of
Philantrophy

Lucy Dalglish
Reporters Committee for
Freedom of the Press
Executive Director

Loren F. Ghiglione
Northwestern University
Professor

Kevin M. Goldberg
Cohn and Marks
Partner

Thomas C. Griscom
Chattanooga (Tenn.)
Times Free Press
Executive Editor
and Publisher

Deborah Howell
The Washington Post
Ombudsman

Steve Jetton
Houston Chronicle
Assistant Managing Editor

Sandy K. Johnson
Associated Press
Bureau Chief

Saundra E. Keyes
The Honolulu Advertiser
Editor

Martha Joynt Kumar
Towson University
Professor

Thomas G. Kunkel
University of Maryland
Dean

Lee Levine
Levine Sullivan Koch & Schulz
Founding Partner

Sherrie Marshall
The Telegraph
Macon, Ga.
Executive Editor

Tim J. McGuire
Arizona State University
Russell Chair

John X. Miller
Detroit Free Press
Public Editor

Thomas A. Oder
Cox News Service
Managing Editor

Geneva Overholser
Missouri School of Journalism
Curtis B. Hurley Chair in Public
Affairs Reporting

Kenneth A. Paulsen
USA Today
Editor

Clarence Pennington
Retired ASNE Member

Walter Pincus
The Washington Post
National Security Reporter

Rick Rodriguez
The Sacramento (Calif.) Bee
Executive Editor

Edward L. Seaton
The Manhattan (Kan.) Mercury
Editor-in-Chief

Allan M. Siegal
The New York Times
Assistant Managing Editor

Debra L. Adams Simmons
Akron (Ohio) Beacon Journal
Editor

Terence Smith
The News Hour with Jim Lehrer
Former Media Correspondent
and Senior Producer

Robert M. Steele
The Poynter Institute for
Media Studies
Director, Ethics Program

Jim Taricani
WJAR-TV
Providence, R.I.
Investigative Reporter

Elise Wachspress
Citizen

Cristal Williams
ASNE
Project Director

N. Don Wycliff
Chicago Tribune
Public Editor

David A. Zeeck
The News Tribune
Tacoma, Wash.
Executive Editor

BY DON WYCLIFF

The first steps toward unity in action

ON THE MORNING OF NOV. 2, 2005, TWO NOTEWORTHY EVENTS OCCURRED.

Under the byline of reporter Dana Priest, the Washington Post published a long Page 1 expose of the Central Intelligence Agency's network of secret foreign prisons for captured Al Qaeda operatives. The story identified none of its sources by name. The reasons were obvious almost from the outset.

This "hidden global internment network," Priest wrote in the story's third paragraph, depends on "keeping even basic information about the system secret from the public, foreign officials and nearly all members of Congress charged with overseeing the CIA's covert actions." Indeed, so important was this secrecy to the Bush administration that, it was revealed later, administration officials had met with Post editors to try to dissuade them from running the story. (The newspaper did agree not to name the European countries where prisons were located.)

Meanwhile, more than 700 miles to the north and west of Washington in the western suburbs of Chicago, the second event occurred. Participants in the ASNE-McCormick Tribune Foundation conference on Newsroom Ethics and Standards gathered for their first session at Cantigny, once the country estate of legendary Chicago Tribune editor and publisher Robert R. McCormick and now the foundation's conference facility. The issue that was to occupy them for the next day and a half was the use and abuse of anonymous sourcing, such as that which underpinned the Post's secret prisons story.

The occurrence of these two events at the same time was coincidental, but fortuitous. The secret prisons story — which the Chicago Tribune had run across six columns of its front page — was a useful reminder to the conferees of the serious purposes that anonymous sourcing can serve when it is judiciously used. Quite literally, Dana Priest and the Post had given the American people access to information crucial to the discharge of their roles as citizens, information that otherwise would have remained secret.

The conference had been planned against a very different backdrop, the dispiriting one of the Valerie Plame/CIA leak investigation, with all its negative baggage of subpoenas to journalists and news organizations; the jailing of a reporter, Judith Miller of The New York Times, and the indictment of vice presidential aide Lewis "Scooter" Libby on the basis of information wrung from journalists, who stood to be called to testify again if the case went to trial.

If the Plame case was an anonymous sourcing nightmare, then the CIA prisons story was its opposite: an instance in which information of unquestionable public significance was brought to light because of the willingness of knowledgeable sources to come forward and speak confidentially to a journalist.

Don Wycliff

Together, these stories framed the issues that the American Society of Newspaper Editors and the McCormick Tribune Foundation sought to address when they teamed up to sponsor the conference at Cantigny.

When is it appropriate to withhold from readers or viewers the identity of a news source? When is it inappropriate? Is it possible for the various constituencies involved to agree on criteria?

What about a promise made to a news source to keep his or her identity secret? How far must a reporter go in keeping such a promise? Must it be all the way or noth-

ing, jail or testimony? Or are there intermediate steps that can be negotiated?

What role must the editor play in monitoring and supervising such relationships and negotiations? Have some of the recent high-profile cases of journalistic wrongdoing been as much the result of lax editorial oversight as of maverick tendencies in the reporters who became infamous?

What about a federal shield law — should journalists be for one, against it or somewhere in the mushy middle? Whose shield law? Are we at a point where any shield, however porous, would be better than none, or could we make our situation worse with a bad shield law?

How, if at all, can news organizations whose standards forbid the use of anonymous sources by their own staff members enforce those standards in relationships with big national news organizations like the Associated Press or the news services of the Los Angeles Times, The Washington Post, The New York Times and Knight Ridder-Tribune? Must they simply forego running major stories like the secret prisons story?

And what are we doing about training the next generation of journalists in ethical behavior and decision-making — especially on the neuralgic issue of whether and when to offer or allow anonymity to a news source?

Defining points early on

Several points of general agreement emerged early in the conference. They included:

➤ That anonymity is given much too freely by journalists, often in situations where it is not warranted, required or even requested by a source.

Roberta Baskin, executive director of the Center for Public Integrity, described during the conference's first session "this fashion right now...where reporters start the conversation with 'Off the record, can you tell me...' I mean, it's gotten to be that kind of a fashion that your story perhaps looks sexier if there's an anonymous connection to it, or a silhouette."

Geneva Overholser of the University of Missouri stressed the costs of the promiscuous use of anonymity. "I wish," she said, "that every editor here would quit going over the rulebook and go in there and really talk about how costly [anonymous sourcing] is. It's been hugely costly to us. Think about how many of our scandals are rooted in the abuse, the profligacy of our use of anonymous sources. But until we really believe how costly it is, we'll keep doing it."

➤ That while anonymous sourcing is a concern in virtually every newsroom, the principal locus of the anonymity problem is Washington, D.C.

Rebecca Carr, who has developed a "secrecy beat" in the Cox News Service's Washington bureau, described the "pernicious problem" of "the leak game in Washington." She added, "We rely on anonymous sourcing way too much to tell our stories."

Referring to her organization's role as a resource for journalists, Lucy Dalglish, executive director of the Reporters' Committee for Freedom of the Press, observed that "we just don't get phone calls, except rarely, from other parts of the country. Most of the time when you're talking about protecting sources, you're talking about D.C. and New York — mostly D.C."

➤ That, as the secret prisons story demonstrated, anonymity, carefully employed, is nevertheless an essential item in the Washington journalist's tool kit.

"In order to avoid being [merely] stenographers in Washington, D.C., journalism, we need to dig deep," said Carr. "And in order to dig deep we need our confidential sources to help us, tell us what the inside skinny is on the story."

Even ordinary citizens appreciate the need for anonymity in cases of overriding social or political importance. Dennis Ryerson, editor of The Indianapolis Star, in a presentation on public attitudes on anonymous sourcing, recalled the comment of a news consumer, Catherine Griggs of St. Petersburg, Fla., at an Associated Press Managing Editors convention a year earlier: I've been thinking about how different U.S. history's course might have been without Deep Throat."

And Bruce Allardice, a citizen-participant in the Cantigny conference who took a decidedly jaundiced view of journalists' ethics, nevertheless conceded there are circumstances in which, if he were a journalist, he would accede to a source's request for anonymity.

➤ That curbing the excessive use of anonymous sources is not a job for reporters alone, but requires conscientious involvement and oversight by editors.

David Axelrod, a former journalist who now is on the other side of the fence as a political consultant, made this point strongly: "I think that it falls both on the reporter and the editor — and ultimately the editor — to take a very hard line on the use of anonymous sources and ask very tough questions. And...maybe I'm simplifying what is very complicated, but I think there's been an absence of that. I think the custom in Washington is, it has become so customary to use anonymous sources that there's very little effort to rein them in."

Ryerson stressed that, while trust between reporters and their editors is desirable, "we editors have a job to do as well. And the ultimate job is to make sure that we get truths into the newspaper, and...sometimes we need to ask hard questions of our reporters."

That journalists must learn to make and respect distinctions among types of stories, kinds of sources, reasons for granting anonymity.

Axelrod drew one dichotomy: between "legitimate" sources who supply a reporter with "classified information or documents that aren't public...that may lead to legitimate news," and "frivolous" sources who request anonymity "because I'm impugning somebody who I don't want to impugn with my name attached to it."

Deborah Howell, The Washington Post ombudsman, sliced the same loaf a different way. "I think," she said, "that national security and military sources are much harder to get on the record, and sometimes their information is much more important than the routine political back-and-forth. And it's the routine political back-and-forth that bothers me. It's people taking shots at each other anonymously."

Allan Siegal, the standards editor of The New York Times, took yet another approach. Instead of telling readers why an anonymous source asked for anonymity, Siegal said, the Times increasingly elects to tell why the newspaper chose to grant anonymity. The reason? The motives of the source can never be perfectly knowable, but the newspaper ought always to be able to articulate its own motives.

A conference divided

But journalists are an unruly lot and consensus among them and those who consort with them runs only so far. On perhaps the leading current prescription for the industry's anonymous sourcing headache — a federal shield law that would exempt reporters from being called as witnesses — the Cantigny conferees left as they came: divided.

The lawyers in the group were eloquent in support of the idea. Said Lee Levine, the Washington-based First Amendment lawyer who has represented journalists or news organizations in both the Valerie Plame investigation and the Wen Ho Lee civil suit:

"We have got to stop with the notion, with all due respect, that we've got the First Amendment, and the First Amendment says, 'Congress shall make no law.' The courts interpret the First Amendment. The courts have ruled that we have no privilege in the grand jury context. The courts have ruled that we have virtually no privilege in the criminal context... A shield law at the federal level would have to be pretty darn bad to be worse than what we've got right now."

But "a pretty darn bad" shield law is exactly what Tim McGuire feared. "Yes, I am for a national shield law if it's my shield law," he said. "I know the law I'd like to see, but I don't think we're going to get the national shield law we want."

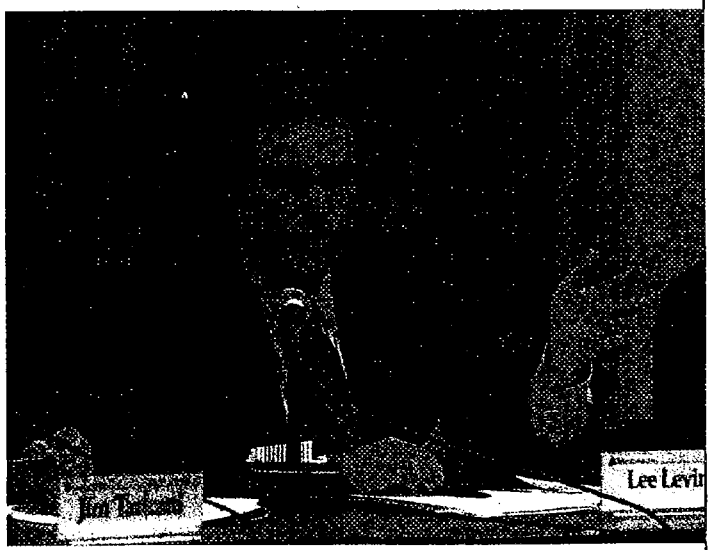
For the moment, anyway, the issue is moot. There are other matters higher on the congressional agenda. And with the press in what most seem to agree is generally bad odor with the American public, there is no popular clamor for protecting reporters. Prospects for any kind of shield law right now are somewhere between dim and bleak.

But not everything depends on legislation, and probably the most important things can be done by editors alone in their newsrooms or in combination with other editors in corporate newspaper groups or in organizations like ASNE.

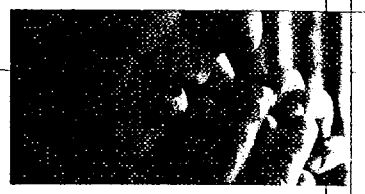
The Cantigny conferees developed a laundry list of "action steps" for editors and the industry. They range from strengthening reporter-editor relationships to mounting a campaign to sell the American people on the virtues and importance of a free press. The entire list is described in full in the last chapter of this book. ◆

This I Believe

I BELIEVE THAT MEANINGFUL LEGAL PROTECTION for the promises of confidentiality that journalists make to their sources is essential in a democracy. The fact that our law virtually alone among Western democracies, does not clearly reflect the notion despite our First Amendment, reveals a fundamental flaw in our law's current conception of the "freedom of the press." The blame for this state of affairs rests largely on our judges and our lawyers. — **LEE LEVINE**



BY DON WYCLIFF



Action steps

Moving forward in three directions, external and internal

WHAT IS AN EDITOR TO DO WHEN CONFRONTED WITH A STORY THAT SEEMS TO REQUIRE ANONYMOUS SOURCING? What are editors to do as representatives of an industry whose viability depends on credibility, while their watchdog role depends, in no small measure, on judicious use of anonymous sources?

The final session of the Cantigny conference was devoted to action steps, and the conferees came up with a list that divides roughly along three lines. There are internal actions that an editor can undertake in his/her own newsroom. There are external actions aimed at being transparent to the general public. And there are external actions that editors can take in concert that are aimed at improving the situation of the industry.

Internal — Within the newsroom

➤*Every newsroom should have a set of standards for the use of anonymous sources and a process to follow in deciding whether those standards apply in a particular situation or whether an exception is warranted.*

The Chicago Tribune, for example, mandates that "all sources of information are to be identified ... by name and position except" in three circumstances: (1) "to protect the identity of a "whistle blower" of critical information...; (2) when protecting sources' identities is the only way to get information that is, or addresses, the crux of the story, and...the information is of significance or wide interest...; (3) to protect the safety of a source of information." Exceptions to these rules can be granted only by one of the top three editors in the newsroom. And reporters "should be prepared to disclose a source's identity in confidence to a division editor or other ranking editor."

Ken Paulson's standards and process at USA Today already have been presented in detail on page 25. The New York Times' and The Washington Post's standards and processes have been alluded to and sketchily described.

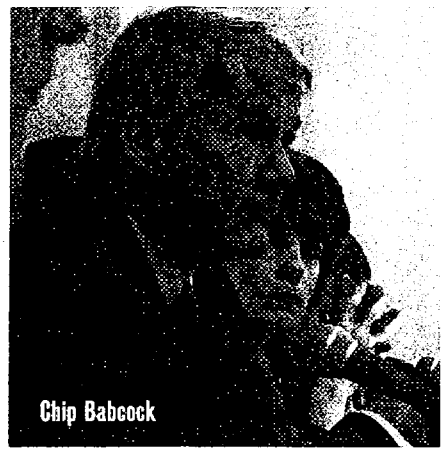
It was recommended that ASNE begin collecting and compiling these policies in the same way that it currently compiles newspaper codes of ethics and conduct.

➤*Before a promise of anonymity is made, be sure that everyone involved in the transaction — source, reporter, editor, lawyers if need be, and others — understand exactly what bargain is being made.*

How far does the source expect a promise of anonymity to extend — indefinitely? In what circumstances would the source waive the reporter's pledge of confidentiality? What if a court orders the reporter to testify? Does the source understand that the newspaper, as a public company, can't defy a court order for evidence? What if it turns out the source lied — are the reporter and the company still bound?

➤*At newspapers that are part of public companies, let editors, reporters and corporate representatives sit down and understand each other's roles and their legal limitations.*

"It seems to me," said lawyer Charles "Chip" Babcock, "that one could build some trust with the reporters who are doing the work of the company by sitting down with them and saying, 'Look, here's what we can do and here's what we can't do. We can support you if...your decision is to go to jail — we will support you in that decision. But you must understand that if we have documents that we're ordered to reveal and...we have exhausted all of our appeals, as a public company we don't have the option of disobeying the law. We can't do that.'


Chip Babcock

"If there was a better or clearer understanding between public companies and their reporters about what each side can and can't do and

where they are going to march together and where they are going to diverge, perhaps you will at least build trust in the fact that everybody knows what the deal is going in."

➤*Create a checklist for editors to follow when faced with a decision on using an anonymous source.*

"We ought to have questions that an editor might ask — or let's strike 'might' and insert 'should,' " said Deborah Howell. "When you're dealing with a story, will this story tell readers something they need to know to be better informed? Does the story serve any special interest that could subvert the public interest? Is there any hidden agenda which could hurt the newspaper's credibility? Has the information been checked with other knowledgeable sources? Is the editor prepared for a first public opinion that could result from this story? Just sort of simple things."

Doug Clifton, in describing a recent anonymous sourcing episode at his newspaper, spoke of "the calculus that must transpire when you're dealing with information by anonymous sources."

"There are levels of it," he said. "What's the motivation of the source, if you're depending exclusively on the source? What's the credibility? If you've got a document, well, what is its authenticity? If you're convinced that it's authentic, well, what is its underlying veracity?...What is the benefit to the public in the end versus the risk? And when you're dealing with sealed documents that you know are going to generate judicial hostility at the very least and more likely a criminal investigation, you really need to weigh what's the public good versus what's the risk to the organization, to the newspaper, to its credibility?"

➤*More and better staff training on the continuum of choices/possibilities in anonymous source situations between testifying and refusing to do so at the risk of jail or fines.*

One of the insights that he had at Cantigny, Allan Siegal said, was that a reporter's choices need not be a stark either/or, that it is possible to negotiate alternatives different from or in addition to those. He planned to take that finding back to The New York Times and use it to create a training program for staff members on that continuum of possibilities. The first step in that process will be to sit down with the newspaper's legal staff and get a thorough understanding of what the points on that continuum are. After that, he said, he probably would "bring all the enterprise editors from our various departments to a brown bag lunch and talk about the issue and talk about the value of doing it in a way that is creative and not repressive."

➤*Create a newsroom culture that gives reporters the support and guidance and trust that they need from their editors, while giving editors the degree of control and the trust that they need in their reporters. A key element of this newsroom culture must be healthy interchange between editors and reporters on staff members' contacts with and relationships with sources.*

From left, Lucy Dalglish, Deborah Howell and Bruce Allardice.

"The editor needs to know more," said Allan Siegal. "Not just the identity of the source when we run a story, but maybe the more dangerous situation is one in which over a period of time reporters cultivate sources in a series of conversations or one unending conversation that can go for months or years without producing anything in the paper. We believe that editors need to know what's going on inside those relationships to some degree. It doesn't have to be a formal process, but there needs to be a conscientious base-touching and some way of keeping track...."

The "ultimate job" of the editor, Dennis Ryerson said, "is to make sure that we get truths into the newspaper." And in the pursuit of truth "sometimes we need to ask hard questions of our reporters. We need to know what they're doing and we need to work with them...And do we not always trust reporters? Yes, we don't always trust reporters. And I think we get into trouble when sometimes we're afraid to have that conversation, particularly with the franchise players."


Walter Pincus and Rebecca Carr

➤*Find ways to reward reporters for quality work.*

Rebecca Carr and Walter Pincus both stressed the importance of this key action step. Money is, of course, an obvious reward. But it is far from the only one.

Time — to track down leads, to double-check facts, to sift through files, to go back and cajole a reluctant source to speak on the record — can be as important journalistically. This is especially the case in television, said Jim Taricani. "There's this constant battle with news managers and even general managers to give, you know, 'Let's have four pieces for the book,' and you end up starting off looking for stories that are, quote, 'getable,' that aren't really good investigative pieces. They're mediocre at best, but they want you on the air."

External — to the public

➤*Create a secrecy beat.*

Virtually every community offers examples of unwarranted — and sometimes illegal — governmental secrecy. And as Andy Alexander observed early on, the trend is toward even more secrecy, at least in Washington. A secrecy beat can help throw a floodlight on some of these practices — if it is done correctly.

Alexander noted that "one of the reasons Rebecca [Carr] was so successful with this beat was that early on when we conceived it in our bureau, we made a pretty conscious decision that we would try at all costs not to write about this from a press perspective, and I think some of the more successful stories she's had have taken it outside of Washington...explaining...the effects on average citizens when they are denied information."

➤*Have a conversation with your community on their attitudes on editorial standards, including anonymous sourcing.*

Mark Bowden noted that in communities like his in Cedar Rapids, anonymous sourcing is not a major issue for the newspaper. But citizens there have thoughts and concerns about journalism no less than do citizens in Washington, New York and other big cities.

"I don't want people to say what I want to hear," said Bowden. "I want to hear what they say. But I also think it's an opportunity to try and poke the public a little bit to see if they understand what they're missing because of the chilling effect that's occurring. I mean, we talked a lot at this conference, which I find just fascinating, that there are significant stories out there that are not being told today because we don't have sources that are coming forward, or may not come forward, or reporters who may not be able to get that. So I'd like to hear the public's thoughts on that."

➤*Consider writing in favor of a shield law.*

The conference was not unanimous in favor of a shield law. But, as in the industry as a whole, the overwhelming majority were in favor. Lee Levine expressed a common sentiment when he said, "A shield law at the

federal level would have to be pretty darn bad to be worse than what we've got right now."

➤*Create a marketing campaign on the importance of a free press.*

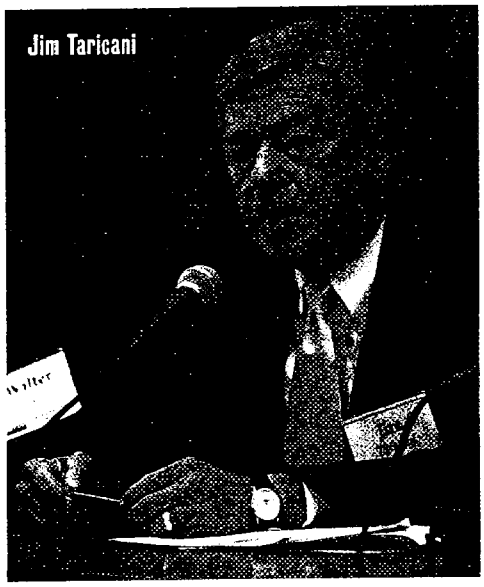
Tim McGuire, in his "This I Believe" essay, described this action elegantly and succinctly. We must, he said, "educate the public on the dangers of secrecy and launch a national marketing campaign to convince the American public that press freedoms are public freedoms."

The importance of that last element — "to convince the American public that press freedoms are public freedoms" — was underscored boldly by the "This I Believe" statement of Bruce Allardice, one of two citizen participants at Cantigny. Said Allardice:

"The Founding Fathers of our country in their fight against British rule also fought against the notion that some people have, and by rights should have, a special status under the law that other people don't have...

"In 2005 we Americans are faced with yet another interest group demanding a special status, a special privilege. This interest group, while not numerous, is extremely influential... This interest group now lobbies for a law to give a special privilege to its own. This interest group lobbies for the right to find and to limit who is entitled to benefit from this privilege. This interest group, as all interest groups do, claims they need this privilege to serve the public interest.

"The real lesson of the Jayson Blair and Valerie Plame affairs is not that journalists need any new special legal privileges to do their job. They've been doing their job for 200 years without this privilege. The real lesson is that journalists as a body need to clean up their own act in order to deserve the protections the First Amendment already gives them."


Jim Taricani

External — aimed at the industry

➤*Object formally to off-the-record or on-background briefings by public officials.*

Led by Sandy K. Johnson of the Associated Press, this practice has taken hold in many places in Washington and has won support from the Cox News Service, USA Today, the Knight Ridder bureau and others.

"I do think we have made some progress in Washington," Johnson said. "I think it was worth the effort to get a group of us together to lay down the law and say, 'Every time we know there's a background briefing, we will direct our reporters to object to it.'"

➤*Challenge wire services and syndicates to meet newspaper standards on anonymous sourcing.*

Rick Rodriguez spoke in the opening session of the ethical awkwardness for an editor of forbidding his own staff to use anonymous sources while using wire copy from newspapers or services that allow anonymous sources.

Dennis Ryerson said he takes every available opportunity to talk with the heads of wire services and "remind them of the changing concerns, the growing concerns in our industry and that they've got to be part of the solution." In some cases, Ryerson suggested, it may be necessary to cancel a wire service to make the point that anonymous sourcing is no longer routinely acceptable.

➤*Videotape and distribute Jim Taricani's story.*

Jim Taricani's powerful story — of his confrontation with federal authorities in Providence, of his obtaining and his station's airing of a videotape the courts had placed under seal, of the exemplary support given by his station and network, of his six months in home confinement — can be a powerful teaching tool for journalists. Someone — perhaps the Radio and Television News Directors Association — should record his account and distribute it widely among groups of journalists.

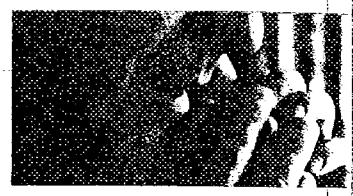
➤*Let the American Journalism Review survey editors and lawyers to compile a list of legal do's and don'ts for journalists.*

This would include, as Tom Kunkel noted, advice on everything from how to handle and how long to keep notes to what an editor should do if she is uncertain about the commitment of her publisher.

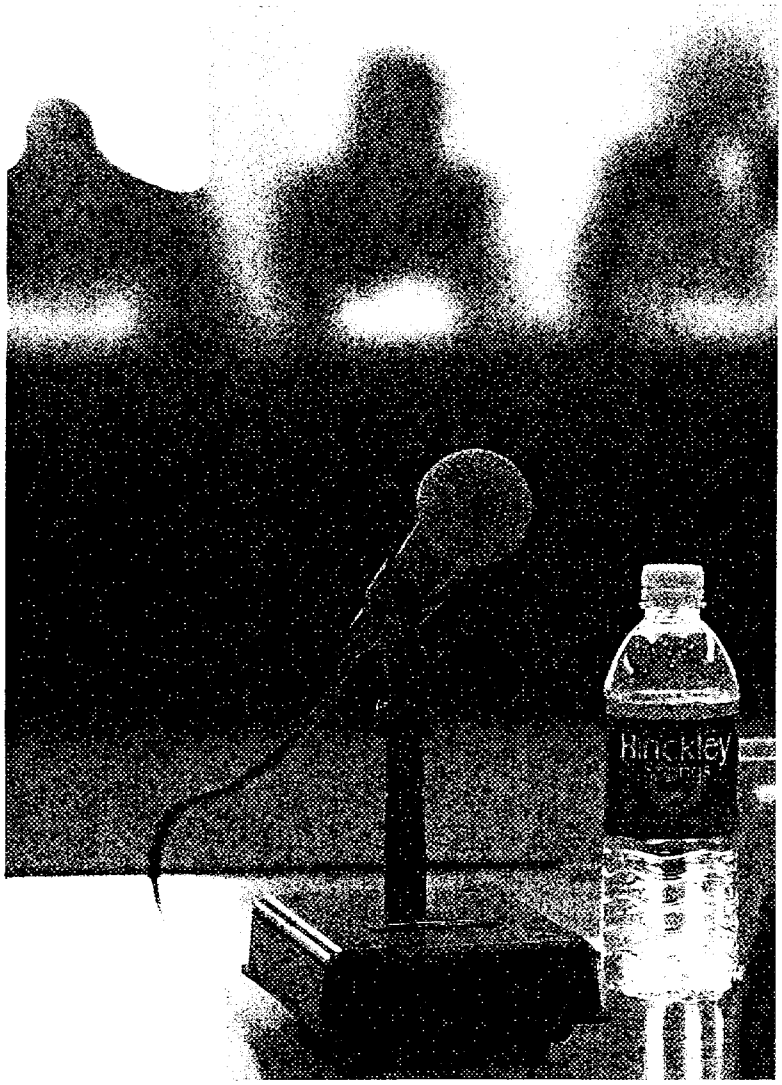
➤*Create a list-serv of attendees at the Cantigny conference.*

Done.

BY BOB STEELE



Case studies



CASE STUDIES BRING ALIVE THE MANY FACETS OF TOUGH ISSUES AND HELP CREATE LIVELY DISCUSSION THAT CAN BUILD UNDERSTANDING. The Poynter Institute's Bob Steele, facilitator of the Cantigny conference discussions, was asked to put together some recent examples of sourcing issues that can be used to spur newsroom discussions and, perhaps, consensus on where the lines should be drawn as sources, reporters and editors face issues in the future.

Except where otherwise credited, the cases in this section were written by Steele.

Challenges of relying on 'unnamed sources'

Baltimore Sun Reporter Siobhan Gorman said she knew she would need to rely largely on unnamed sources in her investigation of the National Security Agency's Trailblazer program because many of her sources feared serious consequences if their roles in the story were revealed.

Gorman answered questions about her reporting in an e-mail interview with Bob Steele for this case study.

Steele: *How would you describe "the journalistic purpose" of the story?*

Gorman: The story was a classic government "watchdog" piece. Because of the responsibilities both of the National Security Agency and the Trailblazer program, however, its purpose was not only to investigate government waste but also point to an agency's failure to marshal its resources to protect the American public, as it had promised to do.

The story was particularly relevant in light of the revelation of NSA's warrantless eavesdropping program.

Steele: *What challenges did you face in reporting the story, especially the sourcing?*

Gorman: The main challenge I faced was fear, among those who knew the details of the program, of being found out.

Not knowing NSA well at that point, I started with a few sources who had been helpful in reporting on other intelligence agencies, and I was able to network from there because a few of them were kind enough to introduce me to others who would be willing to talk.

One of the people who turned out to be an essential source actually talked to me based on a cold call, which was an indicator to me of how badly the program had failed because this source was very frustrated by how it had all developed.

Because I was working with sources who were very familiar with eavesdropping techniques, several requested somewhat elaborate schemes to communicate — everything from insisting we only meet in person to setting up an encrypted e-mail account.

One person asked that I buy a phone card on the theory that routing the call through an 800 number would trip up eavesdroppers. The most common request was that I contact them via my cell phone or my personal e-mail account. I learned interesting NSA e-mail search trivia, like NSA filters out e-mails that contain the word "Viagra," just as spam filters do.

Q&A

The key to reporting this story was to earn the trust of sources who didn't know me well, which I did by getting other sources to vouch for me, or promising them that our conversations would be off the record and I would come back to them with anything I wanted to use, so we could work out how to attribute it (not by name) — and often both.

This method worked better than I anticipated because it did not produce as many painful negotiations over what people's denying they said something than I had thought it would.

Steele: *What guided you in determining when and how you would use unnamed sources in the story?*

Gorman: I knew I had to use them judiciously as not to lose the trust of my readers, but I would need to rely largely on unnamed sources because most people who knew real details about Trailblazer, which is a mostly classified program, were not going to want to risk losing their security clearances or get arrested if they were discovered.

I looked at other recent intelligence stories that had been published, such as the NSA warrantless eavesdropping story and the CIA prisons story, and noted that they relied almost entirely on unnamed sources.

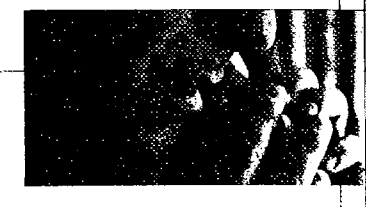
I tried to keep quotes from unnamed sources to a minimum, and tried to get my sources to give me examples to use (such as Trailblazer existing largely as a set of schematics covering the whole wall of a room), which would emphasize the information over the sourcing.

Steele: *To what degree did editors question you on the use of unnamed sources?*

Gorman: On a scale of 1-10, with 10 the highest level of scrutiny, I would rate it a 10.

Steele: *Did you reveal the names of all those confidential sources to an editor?*

Gorman: Yes, along with a detailed discussion of who they were and why they would be a trustworthy source. Some editors beyond my immediate editor were told the names of some of the sources when there were questions about why someone would make a particular observation, and whether it was a valid observation to make. ♦



'Unnecessary Epidemic'

Sound reporting without relying on anonymous sources

ON SUNDAY, OCT. 3, 2004, THE OREGONIAN, PORTLAND, BEGAN A SERIES OF FIVE COMPELLING STORIES titled, "Unnecessary Epidemic." Importantly, Oregonian journalists explored a complex and seemingly confounding issue with virtually no reliance on anonymous sources. Here's what the Oregonian Editor's "Note to Readers" said:

"In fall 2002, Oregonian staff writer Steve Suo set out to answer a fundamental question: What was fueling the rapid growth of methamphetamine abuse across the West?

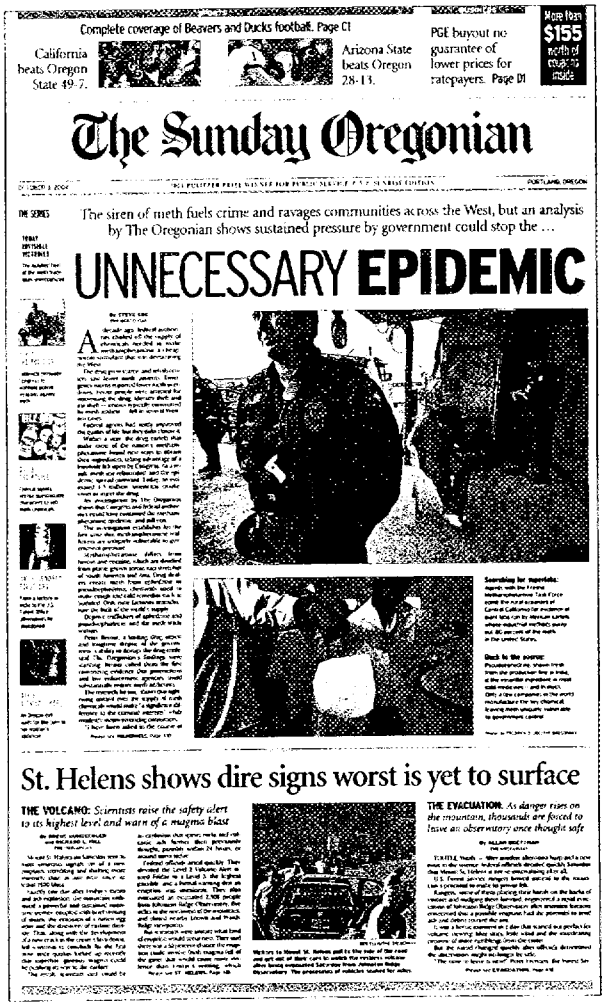
The search turned up something surprising. While meth abuse had exploded to epidemic proportions during the 1990s, it also had inexplicably subsided at times. The newspaper's investigation asked why.

Suo brought together a diverse set of databases: patients in rehab, drug-related accidents and overdoses, possession arrests, property crime reports and evidence seized by federal agents.

The database suggested a correlation between meth purity and meth abuse in the West. In addition, Suo compiled an extensive chronology from court documents, public records and interviews with dozens of officials in government and industry. He traveled to California, Washington, D.C., Detroit, Chicago, Quebec and several locations in India.

Suo reviewed his results with a number of independent economists and researchers who specialize in drug policy issues."

In an era in which many major reporting projects rely on anonymous sources, the Oregonian's reporting on the meth abuse epidemic distinguishes itself in a meaningful way. Its high-quality journalism was built on hard work, traditional methods and technological and statistical savvy. The series illustrates how a newspaper can use sophisticated computer analysis to develop and document an important story instead of relying on unnamed sources.



Complete coverage of Beavers and Ducks football. Page C1

California beats Oregon State 49-7.

Arizona State beats Oregon 28-13.

PGE buyout no guarantee of lower prices for ratepayers. Page D1

More than $155 worth of coupons inside

The Sunday Oregonian

THE SERIES

The siren of meth fuels crime and ravages communities across the West, but an analysis by The Oregonian shows sustained pressure by government could stop the ...

UNNECESSARY EPIDEMIC

St. Helens shows dire signs worst is yet to surface

THE VOLCANO: *Scientists raise the safety alert to its highest level and warn of a magma blast*

THE EVACUATION. *As danger rises on the mountain, thousands are forced to leave an observatory once thought safe*

The Oregonian's managing editor for enterprise, Steve Engelberg, said in an e-mail interview for this case study that "The bulk of our work was done through databases and on-the-record sources. There were a couple of minor exceptions. In one case, we used an anonymous State Department official to more accurately communicate the U.S. position on any issue (the official was somewhat more honest in a background conversation than the on-record spokesman, who was either uninformed or misinformed.) Most of the research was original, meaning that there was no named or unnamed official or expert we could quote."

In an interview with Columbia Journalism Review's Russ Baker, Engelberg said he approved the use of an anonymous source — a government official — in that one instance for this story.

"Despite his strong resistance to using anonymous sources, The Oregonian's Steve Engelberg believes they have a place in journalism. "I think that if you go back to the modern history of journalism, through Watergate, Sy Hersh's work, and 50 other things you or I could name, without the anonymous source, we're in deep trouble."

"It was a kind of classic Washington thing. The source was acknowledging a very significant thing, but was not going to go on the record. My first desire was that we would get the spokesman to say it, but he gave a vanilla response. So I felt that we would be depriving our readers of what the State Department really thought. I kind of held my nose; I wasn't real happy about it, but I did approve that one."

Despite his strong resistance to using anonymous sources, Engelberg believes they have a place in journalism. He told CJR's Baker that granting anonymity to a source is a justifiable approach in some cases, and that use of confidential sources has been instrumental in some remarkable stories.

"I think that if you go back to the modern history of journalism, through Watergate, Sy Hersh's work, and 50 other things you or I could name, without the anonymous source, we're in deep trouble."

Yet, Engelberg emphasized why it was important for the Oregonian to resist anonymous sources in the "Unnecessary Epidemic" project.

"Our work there has been very much driven by our own analysis...We killed ourselves, I mean killed ourselves, to build our own model of what we believed was the total Mexican domestic consumption of pseudoephedrine (which is used to make both cold medicine and meth) in Mexico. Rather than rely on an anonymous source and calling it a day, we went and bought market research data from an international company, and when that wasn't sufficient, we started calling all the supermarket chains and major pharmaceutical companies in Mexico, and, shockingly, one of them gave us their figures for pseudoephedrine sales in all their stores. It always takes longer if you do it that way." ◆

Anonymous sources sometimes essential

An editor writes to his readers about unnamed sources

"TODAY'S INVESTIGATIVE REPORT ON AIRPORT SECURITY IS AN EXCEPTION FOR THE SEATTLE TIMES IN THAT MANY OF ITS SOURCES ARE UNNAMED."

That's how Times Executive Editor Mike Fancher started his column on Sunday, July 11, 2004.

He went on: "The Times tries to avoid anonymous sources in its stories. Readers don't trust such reporting, and experience shows the press makes its worst mistakes when it routinely permits sources to speak off the record. The exception for us is when vital information can be brought to light only if we pledge confidentiality to the people who know it. That's the case today."

Fancher is one of a handful of editors across the country who regularly writes a column to readers. In an interview with Poynter Online in 2002, Fancher said he probably writes about 40 weeks a year on average dating back to the early 1990s. He writes a column "to help (readers) understand who we are, why we do what we do, and how we do it."

Fancher's column topics range from "the value of independent local ownership" to the motives behind investigative stories and the "standards to which we hold ourselves accountable."

Justifying the use of unnamed sources in stories falls into that category. Fancher wrote that the importance of the Times report on failures in the airport-security system "is obvious."

"At a time of heightened alert, the Transportation Security Administration (TSA) is in crisis and ill-prepared to meet the threat."

Fancher uses his column to both express his own thoughts and also to connect members of his staff with Seattle Times' readers.

Fancher's column to readers justifying the use of anonymous sources in the airport security story quotes Seattle Times' journalists who worked on the story.

The Times' Ken Armstrong said reporters on the story "focused on two principles" as they made decisions about giving the protection of confidentiality to sources, including the TSA screeners who "see security shortcomings firsthand" and who in some cases have been ordered by their managers not to talk to the media.


NW Life
SINGLE GUYS SPEAK OUT ON DATING HERE

Sports
EX-M'S STARS TALK ABOUT THE COLLAPSE

Sports
LAKE WASHINGTON OPEN FOR SOCKEYE ON SATURDAY

Olympics: Aretha Hill in, Megan Quann out

The Seattle Times

TUESDAY

Same-sex marriage stirs politics of swing states

CONSERVATIVES TAKE FIGHT TO BALLOT BOX IN FALL

About 12 states have anti-gay initiatives

Airport Insecurity

Air safety hinges on change of course for ailing agency

Newsline

172 ballparks later, they're safe at home

3-season tour takes in every major-, minor-league park

Bankruptcy filing turns eyes to Vatican

DIOCESES' FINANCES LARGELY INDEPENDENT

But Portland leader consulted Rome

Isabel Sanford, 1918 - 2004

> "There's power in numbers. We didn't build this series around one, or several, or even a dozen anonymous sources. We talked to more than 120 TSA employees — some named, some not. Most of their stories were so similar that they allowed us to reach,

with confidence, certain broad conclusions. Morale is low. Risk is high. Change is needed.

➤"When researching specific anecdotes, we sought corroboration in a variety of ways, usually by gathering paper or multiple accounts."

Fancher's column further quoted Armstrong: "Anonymous sources hurt credibility. We all know that. If readers don't know who is saying what, they can't judge the source's motivation or truthfulness. But sometimes, refusing to use anonymous sources can hurt readers more than help them. Sometimes, a source has good reason to request anonymity. And sometimes, what a source says is important — so important that it justifies granting anonymity."

On other occasions, Fancher has written his column to readers about the debate that often swirls around the topic of unnamed sources. On June 12, 2005, he wrote about a recently released survey conducted by the Associated Press and the Associated Press Managing Editors association.

Fancher wrote that he found the survey both "surprising and encouraging...the use of anonymous sources seems far more pervasive than these numbers would suggest. That's probably because of the frequent use of confidentiality in Washington, D.C. It was encouraging because unnamed sources should be used sparingly. Readers are distrustful of reporting based on unnamed sources, and experience shows the press makes it worst mistakes when it routinely permits sources to speak off the record."

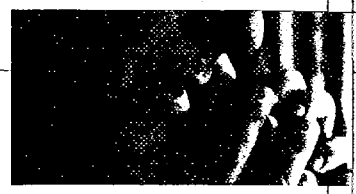
Then, Fancher uses that column to anchor the issue in a specific case at his paper. He justifies the use of anonymous sources in a June 7, 2005, story into an investigation about alleged sexual misconduct by as many as eight corrections officers at the King County Jail.

Fancher puts forth criteria for using unnamed sources in such a story: "Using anonymous sources judiciously requires disciplined checks and balances. Reporters have the responsibility of whether to grant confidentiality, and they shouldn't do it lightly. They must decide if a source is trustworthy and the information credible. Typically, the source's information is only the beginning of more rigorous reporting."

Fancher goes on to describe the oversight role of editors: "Editors have the ultimate responsibility of deciding what to publish. We don't always agree with each other, and we don't always get it right, but we know our responsibility."

And Fancher quotes Times Executive News Editor Mike Stanton on the role editors play: "We insist that the sources be credible and in a position to know, we generally require more than one, and we do apply that standard. It has to be important, and there has to be no other way to get it...we also have a higher barrier than most newspapers as far as letting an anonymous source talk derogatorily about another person named in a story."

In the Poynter Online interview in 2002, Fancher was asked whether writing a column to readers makes a difference. Fancher said, "I suspect the staff would say, 'Are you kidding? No way.' I would argue it makes a difference in several ways: For readers it puts a human face on the institution that is the newspaper and sends a consistent message about our values. For staff members it contributes to the internal conversation about how we measure up to those values..." ◆



Anonymity in New York Times articles

An assessment from the Times public editor

"SINCE I BELIEVE CONFIDENTIAL SOURCES SHOULD AND WILL REMAIN AN ESSENTIAL TOOL IN THE BEST NEWSROOMS, HELPING READERS UNDERSTAND THE MOTIVATION OF THOSE UNNAMED INFORMANTS IS A GOAL WORTH MAXIMUM EFFORT AT THE TIMES. Explanations of why the Times is granting anonymity can also contribute insights into the motivation of sources."

New York Times Public Editor Byron Calame made those points in his Nov. 20, 2005, column headlined, "Anonymity: Who Deserves It?"

Calame offered readers his scorecard on how the paper is doing since the Times issued an updated policy on the use of confidential sources in February 2004. Calame suggests there is progress but not enough.

He points to several examples where the Times failed to measure up to the new standards for minimizing anonymous sources in stories, and he includes thoughts from two readers criticizing the paper for misuse of unnamed sources.

Calame also cites examples of stories where he believes the Times justifiably uses anonymous sources. And he emphasizes a key element of the paper's standards: "With the reporter and the paper clearly responsible for explaining the reason for granting anonymity, there's a good chance that less central and more casual anonymous quotes will dry up faster. This would help limit confidential sourcing to the kinds of coverage where it's vital: national security, intelligence, investigative articles and classic whistle-blower projects."

Calame's column is more than a scorecard. He informs readers on the scope and substance of the paper's policy, and he quotes top Times editors who make decisions on the use of anonymous sources and the editor who has responsibility for monitoring the process.

As public editor, Calame serves as both the liaison for readers to the paper and as a relatively independent voice of scrutiny on both the process and product of the New York Times newsroom. He closes this column with an aspirational tone: "Anonymous sourcing can be both a blessing and a curse for journalism — and for readers. The system that Mr. Keller (the Times Executive Editor) and Mr. Siegal (the Times Standards Editor) have put in place has the potential to help the Times reap the blessings and minimize many of the curses.

"But their commitment to top-level oversight, and to providing sufficient editing attention to ignite those 'daily conversations' about sources, has to be sustained long after the recent clamor over the paper's use of anonymous sourcing has faded away."

A reprint of the original column follows.

Anonymity: Who deserves it?

Journalistic integrity issues involving confidential sources have given The New York Times plenty of headaches in recent years. So it's not surprising that the paper's anonymous sourcing guidelines have been getting major attention from editors.

Acting on recommendations from the independent committee created in the wake of the Jayson Blair fiasco, the paper announced a revamped policy for the use of confidential news sources in February 2004. One major change: Before a confidential source makes it into the paper, at least one editor has to know the source's name.

After an internal committee on credibility came up

"Byron Calame's column is more than a scorecard. He informs readers on the scope and substance of the paper's policy, and he quotes top Times editors who make decisions on the use of anonymous sources and the editor who has responsibility for monitoring the process.

with more recommendations early this year, Bill Keller, the executive editor, further tightened the guidelines for the use of anonymous sources in June. The most notable change, at least for me: Readers are to be told why The Times believes a source is entitled to anonymity — a switch from the previous practice of stating why the source asked for it.

These two changes created the potential to profoundly alter the role of confidential sources in the Times newsroom. Since Mr. Keller set some first-year goals in his latest changes — such as making the use of anonymous sources the "exception" rather than "routine" — and we're nearly halfway there, it seems like a good time to assess the state of confidential sourcing at the paper.

There clearly is work to be done. A Page 1 article just three days ago, for instance, offered no explanation for attributing to "a senior administration official" the assurance that President Bush and two other White House officials hadn't told Bob Woodward about Valerie Plame Wilson. Mr. Woodward had disclosed earlier in the week that a current or former Bush administration official had told him Ms. Wilson worked at the C.I.A.

The logic of explanations can be flawed. Take the Aug. 2 Times article about the Bush agenda at the United Nations, which was tied to the arrival of the newly appointed United States ambassador, John R. Bolton. Its second sentence reads: " 'Most of the reforms sought by the United States are well on their way to completion,' said a senior administration official, speaking anonymously to avoid undercutting the rationale for the Bolton appointment."

An e-mail from David Hemmer of Toledo, Ohio, hit my computer at 8:32 a.m. on the day the article appeared. "How absurd that The Times considers this an acceptable reason to use an anonymous source," he wrote. "It is the quote itself which undercuts the rationale for the appointment, whether the official is willing to own up to it or not."

While many sources have long sought anonymity to disparage an opponent or enemy, the current White House can be found praising the president's decision-making anonymously. In a July 6 Times article about the year's first Supreme Court vacancy, "a senior White House official who spoke on condition of anonymity because most staff members are not authorized to speak about the vacancy" said that "at the end of the day, the president is going to decide this based on those principles, not from any pressure from the groups."

"What possible reason related to news can justify running this quote?" Jay Ackroyd of New York asked me in an e-mail message. "It's just spin." It also makes me feel uneasy. Puffery with the protection of anonymity can be used in pursuit of ends as devious as those sought through unattributed negative comments.

But there are explanations for granting anonymity that serve readers by making a fairly candid case. An Oct. 29 article out of Washington, the mother church of confidential sourcing, delved into whether a letter from two Democratic senators that was seen as signaling opposition to certain possible nominees to the Supreme Court would also apply to Judge Samuel A. Alito Jr. The article continued: "Three Democratic aides, speaking on condition of anonymity to avoid reprisals from their bosses, said they believed the same would apply to Judge Alito."

Or take a July 27 article about the relocation of 50,000 soldiers to United States bases from Germany and South Korea: "The relocation, to be completed by 2008, was described by two Pentagon officials who have worked on the project and were granted anonymity so they would describe the changes before an official announcement expected later this week." Straight shooting, I would say.

Acting on recommendations from the independent committee created in the wake of the Jayson Blair fiasco, the paper announced a revamped policy for the use of confidential news sources in February 2004. One major change: Before a confidential source makes it into the paper, at least one editor has to know the source's name.

I like the Pentagon article's use of "granted anonymity" — wording that makes clearer to the reader that the Times was indeed deciding the two officials were entitled to remain anonymous. Unfortunately, it is sparsely used. If Mr. Keller and Allan M. Siegal, the standards editor, were to make "granted anonymity because ..." the default language for explanations, I think it would quickly spur reporters to take greater care in negotiating deals with confidential sources. It's the same basic idea that Gregory Brock, Washington news editor, had raised with my predecessor earlier this year.

With the reporter and the paper clearly responsible for explaining the reason for granting anonymity, there's a good chance that less central and more casual anonymous quotes will dry up faster. This would help limit confidential sourcing to the kinds of coverage where it's vital: national security, intelligence, investigative articles and classic whistle-blower projects.

The public editor serves as the readers' representative. His opinions and conclusions are his own. His column appears at least twice monthly in this section.

A fundamental part of the effort to tighten up the

explanations for allowing anonymity was the Times's 2004 move to require that at least one editor be told the identity of any confidential source. That enabled Mr. Siegal to establish a compliance system that clearly has gotten the attention of reporters and editors throughout the news department, a half-dozen of them have told me.

A daily conversation

In general, Mr. Siegal randomly chooses at least three articles each day where anonymous sources are cited, and asks the relevant department head for the name of the editor who knew the identity of the source. Mr. Siegal doesn't ask for the identity, but he expects the editor to be prepared to answer his questions. He mentioned several in the Aug. 28 public editor column: Why was the material permitted to be used anonymously? What was the rationale behind granting anonymity? What attempts were made to get the source on the record?

One result: "There's a daily conversation on sources," said Mr. Brock in the Washington bureau. Douglas Jehl, who covers national security and intelligence from the bureau, finds that the process "discourages casual use" of confidential sources and becomes "a barrier against source inflation," or describing an unnamed source in overly grandiose terms.

"We sometimes see awkward and uncomfortable descriptions in the paper of why we allowed material to be anonymous," Mr. Siegal acknowledged in August. He called it a "healthy indication, really, that people are struggling with the issue." I agree, and I believe the sometimes-clunky explanations do make reporters and editors consider more carefully the value of the information provided.

This process should also help the paper achieve two supremely important and more ambitious goals: getting more information on the record and fuller disclosure of the motivation of the confidential sources. I was encouraged by two comments Mr. Jehl made last week about the new requirements.

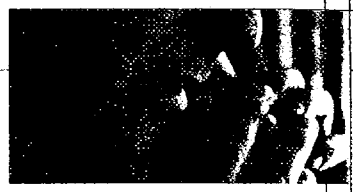
"More reporters are going back to get more on the record," Mr. Jehl said. He also said they are "finding on-the-record quotes outside the government."

Since I believe confidential sources should and will remain an essential tool in the best newsrooms, helping readers understand the motivation of those unnamed informants is a goal worth maximum effort at the Times. Explanations of why the Times is granting anonymity can also contribute insights into the motivation of sources. Here's an explanation in a Nov. 2 article from Washington about the debate over the treatment of detainees that probably does a better job of shedding light on motivation than on the need for anonymity.

Noting that factions within the administration have clashed over the revision of rules for the treatment of detainees, the article offered this anonymous comment: "It goes back to the question of how you want to fight the war on terror," said a senior administration official who has advocated changes but, like others, would discuss the internal deliberations only on the condition of anonymity. 'We think you do that most successfully by creating alliances.' "

Anonymous sourcing can be both a blessing and a curse for journalism — and for readers. The system that Mr. Keller and Mr. Siegal have put in place has the potential to help the Times reap the blessings and minimize many of the curses. But their commitment to top-level oversight, and to providing sufficient editing attention to ignite those "daily conversations" about sources, has to be sustained long after the recent clamor over the paper's use of anonymous sourcing has faded away. ◆

BY BILL MITCHELL



Recasting the anonymous source as an 'exceptional event'

TWO DAYS AFTER THE PUBLIC EDITOR OF THE NEW YORK TIMES CRITIQUED THE PAPER'S USE OF ANONYMOUS SOURCES, THE TIMES PUBLISHED A COUPLE OF STORIES (WITH ANONYMOUS SOURCES) THAT ILLUMINATED THE ISSUE FOR ME IN WAYS I DIDN'T EXPECT.

In his June 13, 2004, column, Public Editor Daniel Okrent proposed turning the use of anonymous sources into an exceptional event. Not a new idea, certainly, but a good one. What would it take to make it happen?

As Okrent points out, the use of anonymous sources is a complex issue. It will take some chipping away at, one dimension at a time.

Here are some dimensions to consider:

- If the news in a story stands up without anonymous sources, resist the urge to add them for background or color.
- If you can support part but not all of a story without anonymous sources, go with the more limited version. If you think the story can be marginally improved by using anonymous sources, in other words, think again. As Gene Roberts likes to say, many stories ooze rather than break. And a string of thoroughly-sourced stories that ooze over time — with one fully-sourced story after another chipping away at the truth — can serve readers better than a one-shot story that breaks with great fanfare and relies on anonymous sources.
- If the only way to get an important story published is to rely on anonymous sources, do it. But do it in a way that recognizes reader skepticism and facilitates ongoing scrutiny of the anonymously-sourced material.

While acknowledging the need for unnamed sources in a number of circumstances, Okrent suggested that the price for killing many of them is hardly high. He documented some of the news reported anonymously in the previous Tuesday's Times, and came up with such not-for-attribution bombshells as Barbra Streisand's expectation that hoteliers "scatter rose petals in her bathroom."

I took a look at the Times published the next Tuesday (June 15), and found a half-dozen uses of anonymous sources — none of them as frivolous as the examples unearthed by Okrent the week before.

What I discovered instead — in two stories in particular — were some paths to pursue (and avoid) on the way to transforming the anonymous source from routine tool to exceptional event. While focused on Times stories, the issues apply broadly.

The first story, written by Barry Meier and published beneath a three-column headline above fold on Page One, made me suspicious in the lead but satisfied me in the end. The story reports: "An organization of top medical journals is considering a proposal that would require drug makers to register clinical trials at their start in a public database in order for results, whether successful or not, to be later considered for publication, three people working with the group said."

Readers never learn the names of the three sources describing the proposal, not even an indication of where they stand on the issue or the role they're playing in the discussions.

By the time I finished the story, though, I was surprised to find myself thinking I'd just found a good example of anonymous sources used mostly the way they should be.

For starters, Meier explained why the sources sought anonymity: "because, they said, the proposal was still under discussion and because the group was not planning to announce any change unless it was adopted."

Secondly, the anonymous sources provided information as opposed to opinion. It's true that nobody has confirmed, on the record, that the proposal is even under discussion. But unlike anonymous opinion, anonymously-sourced information is something that other participants in the discussions can actually confirm or refute.

Another story published June 15 used anonymous opinion in a way that prompted me to e-mail the reporter and Allan M. Siegal, standards editor at the Times, with some questions. (Responses below.)

The story ran pretty far back in the A-Section, on Page A-17: an intriguing Political Memo piece from Times Washington correspondent Sheryl Gay Stolberg about the eulogy delivered by President Reagan's son, Ron.

I didn't see the TV coverage of his remarks and missed the ensuing Internet chatter, so this story was the first I'd

heard that the younger Mr. Reagan had apparently taken a swipe at President Bush.

The story quotes "a friend of the Reagan family, speaking on condition of anonymity," to the effect that "Mr. Reagan, who did not return a call seeking comment on Monday, was deeply uncomfortable with the way the Bush administration intertwined religion and politics and felt compelled to say so at the burial of his father, a ceremony watched by millions."

Unreported is why the source sought anonymity, what his or her political loyalties might be, or whether he or she had actually talked with Mr. Reagan about what he said, what he meant, and why.

Further on, the story quotes "a Republican strategist who would not be identified for fear of repercussions to his business" about his interpretation of the remarks.

Unlike the Page One story about medical trials, the premise of this story did not rest on the anonymous sources. Stolberg backs up the lead and the headline ("Reaganite by Association? His Family Won't Allow It") with public statements from the family.

Perhaps in need of more support was the story's assertion that Mr. Reagan's comments had "caused jaws to drop in California and Washington." If any jaw-droppers show up in the story, on the record or off, they manage to mute their astonishment pretty thoroughly.

Late Tuesday afternoon, I sent a note to Stolberg and Siegal.

I asked Stolberg:

Why include the two grafs from the family friend?

Why not report whether he/she had spoken with Mr. Reagan about his remarks?

Did the friend have direct knowledge of Mr. Reagan's thinking about the way Bush has linked religion and politics?

Why did the friend want to remain anonymous? Why not report the reason?

With the unnamed Republican strategist, what did his/her not-for-attribution quotes add to the story that couldn't be reflected in quotes from other Republicans willing to speak on the record?

Could you tell me a bit about whatever conversations you had with editors about the anonymity issue on this story? Did you provide the names of the two anonymous sources to the national editor (or some other editor)? Any encouragement from editors to get the two individuals on the record? Any discussion of just dropping the stuff you got from them?

I asked Siegal:

Was this story among the ones you spot-checked to see if an editor had been provided with names? If so, what did you discover?

All things considered, how does this story measure up to the paper's guidelines on confidential news sources?

In a return e-mail, Stolberg thanked me for my inquiry but said she would prefer to let Times editors reply.

In an e-mail forwarded by Siegal early Friday afternoon, Times Washington Editor Rick Berke said of Stolberg's story:

"We saw it as a fine piece that no one else had. We pushed, and had hoped, for more on-the-record material, but we thought we had to use the background material to provide the best sense of the story and Reagan's motivations. We were fully satisfied with the soundness of the sources on the piece and thought Sheryl wrote a fine piece on a tight deadline."

Siegal added: "As standards editor, I would add only this: I watched the interment service on TV and was astounded by what clearly seemed to be a slap at the president in Ron Reagan's eulogy. It certainly needed to be pursued. And yes, the responsible editor knew who the sources were. I wish we had given a better sense of their reasons for withholding their names."

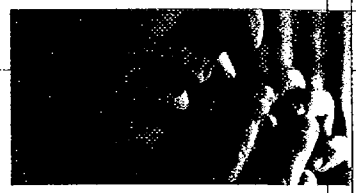
I appreciated the follow-up from Berke and Siegal, but their comments left me unconvinced that the use of anonymous sources improved Stolberg's story. At least in the mind of this reader, they raised more questions than they answered.

Many newsrooms have updated their ethics guidelines to require that the use of anonymous sources be accompanied by as much context about the sources as possible, including their points of view, their motives — and an explanation of why they won't be quoted by name. More and more newsrooms are also insisting that reporters reveal the names of (and details about) their sources to their editors.

But that's not enough. Coming to grips with the depth of reader skepticism about anonymously-sourced stories will require newsrooms to subject such work to extraordinary scrutiny — after publication as well as before.

Wouldn't it be interesting, for example, if the Times' Week in Review section included a box each week listing the major assertions based on anonymous sources from the previous seven days' news columns? A cumulative version of the box could be maintained online, providing a running tally of such stories over time. Enterprising readers — and competing journalists — could use the list as a guide to the ongoing scrutiny anonymous sources deserve and still don't receive. ◆

Bill Mitchell is director of publishing and editor of Poynter Online. This article appeared on Poynter Online on June 21, 2004.



Raising the standards for using anonymous sources — the Newsweek case

IDEALLY, NEWS ORGANIZATIONS ADDRESS ETHICS ISSUES BEFORE THEY BECOME PROBLEMS. Editors tighten standards before reporting in perilous territory. They review practices prior to going into an ethical mine field. And they make sure the quality control system has worked well before publishing a lightning-rod story.

All of that is imperative for a story in which a confidential source makes strong allegations about a volatile issue.

In its May 9, 2005 issue, Newsweek published a short article in the Periscope section of the magazine alleging investigators had discovered that interrogators at Guantanamo Bay had flushed a Quran down a toilet in an attempt to rattle detainees. The key source was confidential. The article prompted denials from government officials and sparked furor around the globe. There were riots in some Islamic countries. Pentagon officials said the allegations were wrong. In its May 23 issue, Newsweek retracted the story.

Newsweek magazine learned big lessons the hard way. The review of standards, the examination of practices and the adjustments to quality control came after the big explosion and lots of damage.

In a Letter to Readers, Richard M. Smith, Newsweek's editor-in-chief and chairman, "offered a sincere apology" because "we got an important story wrong." Smith wrote that Newsweek would "raise the standards for the use of anonymous sources throughout the magazine" and put in place new guidelines on sourcing. The letter follows.

A letter to our readers

In the week since our Periscope item about alleged abuse of the Quran at Guantanamo Bay became a heated topic of national conversation, it will come as no surprise to you that we have been engaged in a great deal of soul-searching and reflection. Since cutting short a trip to Asia on the weekend we published our account of how we reported the story, I have had long talks with our Editor Mark Whitaker, Managing Editor Jon Meacham and other key staff members, and I wanted to share my thoughts with you and to affirm — and reaffirm — some important principles that will guide our newsgathering in the future.

As most of you know, we have unequivocally retracted our story. In the light of the Pentagon's denials and our source's changing position on the allegation, the only responsible course was to say that we no longer stand by our story.

We have also offered a sincere apology to our readers and especially to anyone affected by violence that may have been related to what we published. To the extent that our story played a role in contributing to such violence, we are deeply sorry.

Let me assure both our readers and our staffers that Newsweek remains every bit as committed to honest, independent and accurate reporting as we always have been. In this case, however, we got an important story wrong, and honor requires us to admit our mistake and redouble our efforts to make sure that nothing like this ever happens again.

One of the frustrating aspects of our initial inquiry is that we seem to have taken so many appropriate steps in reporting the Guantanamo story. On the basis of what we know now, I've seen nothing to suggest that our people acted unethically or unprofessionally. Veteran reporter Michael Isikoff relied on a well-placed and historically reliable government source. We sought comment from one military spokesman (he declined) and provided the entire story to a senior Defense Department official, who disputed one assertion (which we changed) and said nothing about the charge of abusing the Quran. Had he objected to the allegations, I am confident that we would have at the very least revised the item, but we mistakenly took the official's silence for confirmation.

It now seems clear that we didn't know enough or do enough before publication, and if our traditional procedures did not prevent the mistake, then it is time to clarify and strengthen a number of our policies.

In the weeks to come we will be reviewing ways to improve our newsgathering processes overall. But after consultations with Mark Whitaker and Jon Meacham, we are taking the following steps now:

We will raise the standards for the use of anonymous sources throughout the magazine. Historically, unnamed sources have helped to break or advance stories of great

national importance, but overuse can lead to distrust among readers and carelessness among journalists. As always, the burden of proof should lie with the reporters and their editors to show why a promise of anonymity serves the reader. From now on, only the editor or the managing editor, or other top editors they specifically appoint, will have the authority to sign off on the use of an anonymous source.

We will step up our commitment to help the reader understand the nature of a confidential source's access to information and his or her reasons for demanding anonymity. As they often are now, the name and position of such a source will be shared upon request with a designated top editor. Our goal is to ensure that we have properly assessed, on a confidential basis, the source's credibility and motives before publishing and to make sure that we characterize the source appropriately. The cryptic phrase "sources said" will never again be the sole attribution for a story in Newsweek.

When information provided by a source wishing to remain anonymous is essential to a sensitive story — alleging misconduct or reflecting a highly contentious point of view, for example — we pledge a renewed effort to seek a second independent source or other corroborating evidence. When the pursuit of the public interest requires the use of a single confidential source in such a story, we will attempt to provide the comment and the context to the subject of the story in advance of publication for confirmation, denial or correction. Tacit affirmation, by anyone, no matter how highly placed or apparently knowledgeable, will not qualify as a secondary source.

These guidelines on sourcing are clearly related to the Guantanamo story, but this is also a good time to reaffirm several larger principles that guide us as well. We will remain vigilant about making sure that sensitive issues receive the discussion and reflection they deserve. While there will always be the impulse to get an exclusive story into the magazine quickly, we will continue to value accuracy above all else. We are committed to holding stories for as long as necessary in order to be confident of the facts. If that puts us at a competitive disadvantage on any particular story, so be it. The reward, in accuracy and public trust, is more than worth the price. Finally, when we make a mistake — as institutions and individuals inevitably do — we will confront it, correct it quickly and learn from the experience.

I have had the privilege of being part of Newsweek's proud editorial tradition for nearly 35 years. I can assure you that the talented and honorable people who publish Newsweek today are dedicated to making sure that what appears on every page in the magazine is as fair and accurate as it can possibly be. Based on what we know now, we fell short in our story about Guantanamo Bay. Trust is hard won and easily lost, and to our readers, we pledge to earn their renewed confidence by producing the best possible magazine each and every week. ◆